

**REMARKS**

Reconsideration is respectfully requested.

This paper is responsive to the non-final Office Action dated March 9, 2009, setting forth a shortened three-month statutory period for reply.

**Status of the claims**

Claims 1-2, 7-15, and 20-22 are now pending in this application, of which claims 8-14 and 20-22 are withdrawn.

Claim 1 has been amended to recite the language of claim 4, which is now cancelled.

Claims 3, 5-6 and 16-19 are also cancelled herein.

No new matter has been added.

Applicants have not dedicated or abandoned any unclaimed subject matter, and have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

**Rejections**

The Examiner rejected claims 1-7 and 15-19 under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,544,564 ("Farley"). The Examiner also rejected claims 1-7 and 15-19 under 35 U.S.C. § 103 as allegedly obvious over U.S. Patent Publication No. 2002/0115708 ("Safe").

Without acquiescing to the Examiner's rejections, and solely for the purpose of expediting prosecution, claim 1 is amended to recite a method comprising contacting a human patient determined to be subject or predisposed to an androgen-dependent pathology selected from the group consisting of prostate hyperplasia, acne, androgenetic alopecia and hirsutism with an effective amount of an antiandrogenic, optionally substituted 3,3'-diindolylmethane (DIM); and detecting a reduction in the pathology or progress of the pathology. Neither Farley nor Safe disclose or suggest treating a patient determined to be subject or predisposed to prostate hyperplasia, acne, or androgenetic alopecia and hirsutism. Further, neither Farley nor Safe

disclose or suggest or detecting a reduction in the pathology or progress of the pathology of prostate hyperplasia, acne, androgenetic alopecia and hirsutism. As such, the present claims are clearly patentable over Farley and Safe and the rejections based on such should be withdrawn. Accordingly, Applicants respectfully request immediate allowance of the claims.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims of the present application are in condition for allowance and early notification to that effect is respectfully requested.

The Commissioner is authorized to charge any fees associated with this communication, including any necessary fees for additional claims, and/or credit any overpayment to Deposit Account No. 50-4616.

If the Examiner believes that there are further unresolved issues that could be resolved by discussion, the Examiner is respectfully requested to phone Todd A. Lorenz at (415) 318-1212.

Respectfully submitted,



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